

S:gm



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,938	08/07/2001	John Wirth JR.	3584-9	9523

7590 10/18/2002

NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington, VA 22201-4714

EXAMINER

WALSH, BRIAN D

ART UNIT	PAPER NUMBER
----------	--------------

3722

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/922,938

Applicant(s)

WIRTH ET AL.

Examiner

Brian Walsh

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-20 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it is comprised of more than one sentence. Please see below. Correction is required. See MPEP § 608.01(b).
2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Content of Specification

- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure **as a whole in a single paragraph** of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the

Art Unit: 3722

international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e). (Emphasis added by examiner).

3. The use of the trademarks BALDOR and MINARIK have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 48, 342 and 368.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 26, 38, 42, 154, 248, 290 and 382.

The Examiner notes that both the specification and number of drawings are of considerable size and it is possible that, during examination, reference characters were overlooked in the specification and/or drawings. In that event the Examiner requests Applicant provide the location of the mentioned reference characters overlooked in both the specification and drawings.

Art Unit: 3722

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claim 3 is objected to because of the following informalities: line 2 of claim 3 appears to contain a grammatical error. The Examiner assumed the intended phrase to be "...said indexing component comprises **an** indexing disk fixedly..." (Emphasis added by Examiner.) Appropriate correction is required.

7. Claim 8 is objected to because it appears to contain some minor grammatical errors. On pages 29 – 30, claim 8 states "...said locking piston vertically having a bore for being aligned with said bore of said slider block **to** receiving said locking shaft ..." (Emphasis added by Examiner.) Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 – 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hardy.

Regarding claim 1, Hardy discloses a lathe assembly comprising a base unit (10) having first and second longitudinal ends, a headstock assembly (16) comprising a housing and a spindle shaft (18) assembly extending therethrough and rotatably mounted thereto, and the spindle shaft

Art Unit: 3722

having a longitudinal axis. Hardy further discloses a first bedway (10A) on the base unit (10) for selectively receiving at least one of a tailstock (12) and a tool rest assembly (14), the first bedway generally extending from the headstock assembly (16) toward the second end of the base unit and the first bedway having a longitudinal axis parallel to the longitudinal axis of the spindle. Hardy discloses a shaft locking assembly (28) secured to the spindle shaft for selectively locking said spindle shaft with respect to the housing at 90° intervals. Hardy further discloses an indexing assembly for angularly positioning and holding the spindle shaft (18) with respect to the housing at any one of a plurality of intervals intermediate the 90° intervals of the shaft locking assembly. Hardy disclose the indexing assembly including an indexing component (40) fixedly secured to the spindle shaft (18) and an indexing pin (60) mounted to the housing of the headstock assembly (16) (Col. 2 line 75 – Col. 3 line 8).

Regarding claim 2, Hardy discloses the indexing component (40) has a plurality of indexing points (52) defined around an outer periphery surface thereof for receiving a tip of the indexing pin (60) (Please refer to figures 1 and 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy in view of Ericksson et. al.

Hardy discloses all of the elements as set forth in the above rejections, however, Hardy fails to disclose the indexing component comprises an indexing disk fixedly secured to the spindle shaft wherein the indexing points comprise recesses defined in an outer peripheral surface of the indexing ring. (See Hardy Col. 3, lines 20 – 27).

Ericksson et. al. discloses a positioning system for a cutting tool which discloses the benefits of using an outer surface comprising recesses interacting with a pin to accurately rotatably position an object. Ericksson et. al. discloses an shaft (3) rotatably mounted within a holder (63) wherein the outer peripheral surface of the shaft comprises recesses (21, 21C, 21D, 21E) to interact with a spring-loaded device (30) in order to provide indexing points for the shaft (1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shaft and indexing disk of Hardy to include the recesses of Ericksson et. al. since Ericksson et. al. discloses the use of recesses on the outer periphery surface of a shaft to provide indexing means for rapidly and accurately establishing a correct position (Paragraph 2, lines 1 – 2).

10. Claims 6, 11 – 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy in view of McCormack

Hardy discloses all of the elements as set forth in the above rejections, however, Hardy fails to disclose the lathe assembly further comprising a second bed assembly.

McCormack discloses a wood lathe comprising a bed assembly with a second bed (14A) operatively coupled to at least on of the first and second longitudinal ends of the base unit, the second bed assembly including a second bedway (BW, figure 2) for receiving at least a tool rest

Art Unit: 3722

or tailstock (Abstract, lines 4 – 5). It is clear from figure 1 that a longitudinal end of the second lathe bed assembly (13A) remote from the first base unit is substantially unsupported.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hardy to include the second lathe bed as taught by McCormack, since McCormack teaches the use of a second bed in multiple configurations in a modular lathe in order to provide adaptability to fulfill varying purposes (Col. 1, lines 4 – 6).

11. Claims 7 – 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy in view of McCormack and in further view of Clay.

Hardy and McCormack disclose all of the elements as set forth in the above rejections, however, Hardy and McCormack fail to disclose a tool rest assembly slidably disposed in the a bedway and a locking assembly for locking the tool rest to the bedway.

Regarding claim 7, Clay discloses a tool rest assembly for use in a lathe selectively slidably disposed in a bedway and a locking assembly for selectively locking the tool rest to the bedway (Col. 2, lines 18 – 23).

Regarding Claims 8 and 20, Clay discloses the tool rest assembly comprises a tool support housing (43) extending vertically from a tool rest main body (10), the tool rest main body comprising a tool rest housing (12) and a locking assembly for selectively locking the tool rest housing to the bedway (50) the locking assembly comprising a locking plate (22) for engaging an undersurface (50A) of the bedway. Clay further discloses a slider block (55) seated and disposed within the tool rest housing, a non-circular locking shaft (15) or cam extending longitudinally of the housing and disposed through a bore (13) in the slider block, and a locking piston vertically and slidably disposed in the slider block, the locking piston having a bore for

Art Unit: 3722

being aligned with the bored of the slider block to receiving the locking shaft and having a shaft for being detachably mounted to the locking plate. The rotation of the locking shaft about the longitudinal axis thereof lifts the locking piston and the locking plate mounted thereto while pressing the block so as to clamp the housing to the bedway of the lathe (Col. 2, lines 23 – 58 and Col. 3, lines 41 – 49) .

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tool rest of Hardy to include the slidable and lockable tool rest of Clay, since Clay teaches the use of a banjo cam lock for a lathe in order to provide appropriate positioning for the carpenter as well as to provide effective clamping (Col. 1, lines 39 – 41).

12. Claims 9, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy in view of McCormack and in further view of Cady et. al.

Hardy and McCormack disclose all of the elements as set forth in the above rejections. Hardy further discloses a tailstock assembly including a quill (Q) housing portion having a quill assembly rotatably disposed therein and axially aligned with the spindle shaft (26) of the headstock assembly (16), the quill (Q) portion housing portion of the tailstock assembly (12) is generally elliptically shaped (EP) shaped in longitudinal section and generally circularly shaped in transverse cross section so as to define a generally continuously curved out peripheral surface.

However, Hardy and McCormack fail to disclose the tailstock assembly is selectively slidable in the bedway of the lathe.

Cady et. al. discloses a lathe assembly (R), comprising a first tailstock assembly (6) selectively slidably disposed in the bedway (2) (Col. 1, lines 13 – 16).

Art Unit: 3722

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tailstock of Hardy to be selectively slidably disposed in the lathe bed as taught by Cady et. al. since Cady et. al. teaches that during machining there is a continual need to disengage the tailstock from the workpiece or otherwise move the tailstock away from the workpiece (Col. 1, lines 16 – 20).

13. Claims 16 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardy in view of Clay and in further view of McCormack.

Hardy and Clay disclose all of the elements as set forth in the above rejections. However, Hardy and Clay fail to disclose a second base unit mounted to and supporting a longitudinal end of the second lathe bed remote from the first base unit and wherein a longitudinal end of the second lathe bed assembly remote from the first base unit is substantially unsupported.

Regarding Claim 18, McCormack discloses a second base unit (36) mounted to and supporting a longitudinal end of the second lathe bed assembly (13) remote from the first base unit (14).

Regarding Claim 19, McCormack discloses a longitudinal (13B) end of the second lathe bed assembly (13) remote from the first base unit (14) which is substantially unsupported.

Please refer to figure 1 of McCormack.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lathes of Hardy and Clay to include the modular lathe bed system as taught by McCormack, since McCormack teaches the use of a second bed in multiple configurations in a modular lathe in order to provide adaptability to fulfill varying purposes (Col. 1, lines 4 – 6).

Allowable Subject Matter

14. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 5 is drawn to an indexing pin for use in a machine tool and particularly, in a lathe. The prior art did not disclose nor render obvious the use of an indexing pin in combination with an indexing pin housing wherein the housing is defined in a wall of a headstock in a woodturning lathe for slidably receiving the pin and wherein a projecting stop is provided on the indexing pin for selectively engaging one of two slots in the indexing pin housing to define an engaged and a disengaged position of the pin with respect to an indexing component attached to the spindle shaft of the lathe.

Faxing of Responses to Office Actions

15. In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9302. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

Art Unit: 3722

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawada et. al., Hitt, Pierce, Caddaye et. al. and Derrick all disclose lathes with beds.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Walsh whose telephone number is (703) 605-0638. The examiner can normally be reached on Monday - Friday 7:30 A.M. to 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (703) 308-2159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



BDW
October 9, 2002



A. L. WELLINGTON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700